

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

FILED

NOV 02 2018

Clerk, U.S. District Court
Texas Eastern

DAVID LOUIS WHITEHEAD,

PLAINTIFF,

V.

CASE No. 2:18CV 460 JRG

NETFLIX INC,

JOHN DOES 1-10, ET AL.,

FRAUD, ANTI-TRUST, CIVIL RIGHTS VIOLATIONS (5th and 14th Amendments), Breach of Contract, **TORTIOUS INTERFERENCE WITH POTENTIAL CONTRACT**, VIOLATIONS OF THE LANHAM ACT, CONSPIRACY TO STEAL INTELLECTUAL PROPERTIES, UNFAIR DEALINGS, VIOLATIONS OF PRIVACY, FALSE ADVERTISEMENT, Fraudulent, Unfair, and Deceptive Business Practices, Negligence, BAD FAITH DEALINGS

This complaint alleges FRAUD, ANTI-TRUST, CIVIL RIGHTS VIOLATIONS (5th and 14th Amendments), Breach of Contract, VIOLATIONS OF THE LANHAM ACT, **TORTIOUS INTERFERENCE WITH POTENTIAL CONTRACT**, CONSPIRACY TO STEAL INTELLECTUAL PROPERTIES, UNFAIR DEALINGS, VIOLATIONS OF PRIVACY, BAD FAITH DEALINGS, FALSE ADVERTISEMENT and Fraudulent, Unfair, and Deceptive Business Practices and Negligence filed against the above name defendant.

1. Plaintiff is a citizen of the State of Louisiana.
2. Defendants Netflix Inc, is a citizen resident of the States of New York, Texas and California. The company does business in this district and throughout the State of Texas. Netflix, Inc. is a Texas Foreign For-Profit Corporation filed on February 1, 2002. The company's filing status is listed as In Existence and its File Number is 0800051838.

The Registered Agent on file for this company is Ct Corporation System and is located at 1999 Bryan St., Ste. 900, Dallas, TX 75201-3136. The company's principal address is 100 Winchester Circle, Los Gatos, CA 95032. The company has 16 principals on record. The principals are A George Battle from Los Gatos CA, Ann Mather from Los Gatos CA, Anne Sweeney from Los Gatos CA, Brad Smith from Los Gatos CA, David Hyman from Los Gatos CA, David Wells from Los Gatos CA, Greg Peters from Los Gatos CA, Jay Hoag from Los Gatos CA, Jessica Neal from Los Gatos CA, Jonathan Friedland from Los Gatos CA, Kelley Bennett from Los Gatos CA, Leslie J Kilgore from Los Gatos CA, Reed Hastings from Los Gatos CA, Richard Barton from Los Gatos CA, Theodore Sarandos from Los Gatos CA, and Timothy Ealey from Los Gatos CA.

Grounds and facts for Relief

3. On November 18, 2016 Defendant Netflix Inc improperly denied plaintiff's 30 film proposal submitted by Attorney Alan Pesnell,. The company requested the plaintiff to obtain counsel, Netflix responded within minutes of receiving Attorney Pesnell's email transmission with attachments: cover letter and 30 film ideas, denying the proposal.
4. Prior to Attorney Pesnell's submission to Netflix, the Company's Executive office requested plaintiff to submit his film ideals to the company via an attorney.
5. Plaintiff followed the instructions of Netflix relating to the company's submission policy, by obtaining counsel, to submit the 30 film proposal.

However, Netflix rejected the proposal forwarded by Attorney Pesnell, violating its policy and presenting issues of false advertisement regarding ideas submission.

6. Netflix's policy on ideas submissions relates to the above statement in paragraph number 1. Whereas, Netflix allows Attorneys to submit ideas relating to solicited and unsolicited ideas and materials for film production. Plaintiff followed Netflix's policy relating to Attorney Pesnell's submission of his 30 film projects for films. However, Netflix denied the submission.

Plaintiff believes and assert that this matter involves fraud and conspiracy to steal intellectual properties pertaining to the 30 film submission. (See attached exhibits).

7. Plaintiff believes and assert that one of his film project ideas submitted to Netflix, led to the creation of a film, currently shown by Netflix, grossing millions of dollars. Discovery will assist the court with this matter.
8. Plaintiff is a Professor of Government at 5 Universities, and he has been recognized by members of the United States Congress as an extremely talented artist, with endorsements for his works for film and stage plays on Aretha Franklin, Anita Baker, and Otis Redding. Plaintiff's Aretha Franklin's film projects "Aretha" and "Aretha 2" were estimated to gross \$200 million with certainty opening box office weekend. Dr. Jan Christopher, a Economist and Professor signed documents stating that plaintiff's works are valuable. Moreover, recently, Marquis Biographies has named plaintiff as a lifetime honors member.
9. As discovery provides added evidence, Plaintiff will amend his complaint.

10. Defendant engaged in overt acts of recklessness, outrageous conduct, conspiracy, using plaintiff's intellectual properties with other companies, without compensation to the plaintiff. Moreover, plaintiff believes that the defendant's acts in this case involves activity with others, to interfere, prohibit and deny plaintiff a contract.
11. Plaintiff attaches exhibits as evidence to proceed in the interest of justice. **(See exhibits attached A through D, and 1 through 3D).**

Count One

Fraudulent and Unfair Business Practices

The company failed to honor its policy, which is advertised on the internet. Employee from Netflix advised plaintiff to obtain counsel to submit his material proposal. Plaintiff's Attorney submitted proposal to Netflix, and the company rejected it, stating that the materials were unsolicited, unread and destroyed.

Count Two

Bad Faith Dealings.

Netflix violated its policy when the company rejected plaintiff's 30 film proposal submitted by Attorney Pesnell.

Count Three

Violations of Privacy

Netflix gained access to the plaintiff's intellectual property based on False advertisement and communication with the plaintiff violating his privacy for development of productions based on plaintiff's intellectual properties.

Count Four

Fraudulent, Unfair, and Deceptive Business Practices

Netflix gained access to the plaintiff's intellectual property based on False advertisement and communication with the plaintiff. Netflix falsely represented its obligation relating to plaintiff's 30 film proposal submitted by Attorney Pesnell.

Count Five

Conspiracy to Steal the plaintiff's Intellectual Property using False Advertisement

Netflix developed a scheme to deny the plaintiff's 30 film deal proposal stating that the plaintiff's Intellectual Property was unsolicited., when in fact the company requested the 30 film proposal. Plaintiff believes and assert that Netflix signed contract with other production companies to steal plaintiff's expressions of ideas submitted to Netflix by Attorney Pesnell.

Count Six

Breach of Contract: Implied or Express

Netflix entered into a contract when the company requested the plaintiff's 30 film proposal which is valuable, and rejected the material for productions.

Count Seven

Misappropriations of Intellectual Properties

Netflix developed a scheme to steal plaintiff's intellectual properties for the company's business in film productions, by denying requesting plaintiff's 30 film proposal and rejecting the material, stating that the plaintiff's Intellectual Property was unsolicited., when in fact the company requested the 30 film proposal. In addition, Netflix violated its own company's policy by discriminating against the plaintiff rejecting his intellectual properties which were solicited.

Anti-Trust Violations

Plaintiff has a small business and film projects worth millions of dollars, and Netflix rejected the material due to outside interference via other competing Corporations and Individuals.

VIOLATIONS OF CIVIL RIGHTS (DUE PROCESS) PERTAINING TO POTENTIAL CONTRACTS

(5th and 14th Amendment Violations)

Netflix treated the plaintiff's differently from others, violating due process of law. The defendant requested the material and rejected the 30 film proposal within minutes of receiving it without due process. Plaintiff is Afro American citizen of the United States.

TORTIOUS INTERFERENCE WITH POTENTIAL CONTRACTS

Plaintiff believes and asserts that Netflix engaged in activity with other individuals and corporation to deny plaintiff's potential contract.

NEGLIGENCE

Defendant Netflix was negligence when the company requested the plaintiff's intellectual property and used it with other studios without compensation to the plaintiff.

Plaintiff Demands a Jury Trial and 10 billion dollars and 1 Million compensatory damages.



David Louis Whitehead

1906 Scott St.

Bossier, Louisiana 71111

Cell: 318-820-5029

Email: Daouddavidlouis@yahoo.com

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